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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,010	04/13/2006	Robert Lahmann	10191/3946	1979
26646 7590 04/03/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER PIPALA, EDWARD J				
ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
04/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/543,010

Applicant(s)

LAHMANN ET AL.

Examiner

EDWARD PIPALA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 8-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CIS)
Paper No(s)/Mail Date 7/22/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the application filed on 4/13/06.
Claims 8-15 are presently pending, claims 1-7 have been canceled.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/26/06 and 7/22/05 have been considered by the examiner, as indicated by the accompanying initialed copies (two sheets).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 4 and 7-8 Applicant respectively recites "as a part of the method for" and as an additional part of the method", indicating that these are just parts or components for a method of triggering a decision for a restraint mechanism, without there being a step which actually takes the above noted "parts" and forms a complete "method for generating a triggering decision for a restraint mechanism in a vehicle" thereby being incomplete. Furthermore the claim is also indefinite for failing to particularly point out and distinctly claim how the vehicle dynamics data is initially conjoined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Aga et al. (US Pub. 2002/0087235 A1).

With respect to independent claim 1, which essentially recites a method for determining a triggering decision for a restraint mechanism in a vehicle responsive to vehicle data indicative of vehicle lateral acceleration and a rate of rotation about the longitudinal axis (roll) and use of a lateral acceleration threshold which is set at least as a function of at least one component of the vehicle's center of gravity, in particular please see figure 1 of Aga et al. which shows the use of a lateral acceleration sensor (21), a roll rate sensor (22) and a vehicle speed sensor (24) as part of a rollover determining apparatus as taught in sections [0010 and 0011].

With respect to dependent claims 9 and 10 relating to the use of pairs of values relating to lateral acceleration and rotation (roll) rate, as well as extrapolation of values, please see figures 10 and 11 of Aga et al., which show regions in which the threshold lines have been crossed and a decision to implement the restraint mechanisms has been generated.

With respect to dependent claims 11 and 12 relating to the type of vehicle and particular thresholds representative thereof, please note that a vehicle's center of gravity, especially in these situations, is inherently a function of vehicle wheelbase, height and axle track or width.

With respect to remaining dependent claims 13-15 which each recites the use of rotation rate to implement yet a third type of threshold, please note that each of figures 10 and 11 is labeled as lateral acceleration - roll rate maps.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD PIPALA whose telephone number is (571)272-1360. The examiner can normally be reached on M-S 9:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ejp

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663